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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/590,263 | 08/18/2006 | Igor Gubych | 3756.RHP.PT | 6091 |
| 26986 7590 04/14/2009 MORRIS OBRYANT COMPAGNI, P.C. 734 EAST 200 SOUTH SALT LAKE CITY, UT 84102 | | | | |
| EXAMINER | | | | |
| BERMAN, SUSAN W | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 1796 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/590,263

Applicant(s)

GUBYCH, IGOR

Examiner

/Susan W. Berman/

Art Unit

1796

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-23 and 25-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-23 and 25-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF-08)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 5-23 and 25-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 22: Step b) does not clearly recite that adding a gel-forming water insoluble polymer to the aqueous solution of step a) and mixing to form macro-aggregates from the polymers provides the “reaction solution” or the “reaction mixture” later referred to in the dependent claims. See claims 11 and 13.

Claim 6: it is not known what is meant by “educts”.

Claim 11 lacks antecedent basis in claim 1 because claim 1 does not recite a “reaction solution”. Does applicant intend to recite “aqueous solution” as recited in claim 1?

Claims 13 and 30: It is not clear whether the claim recites a step for forming the “aqueous solution” set forth in claim 1 or recites an additional step for forming a different “reaction mixture”. It is not clear what is reactive in the mixture or what the reactive mixture reacts with. Is the mixture of water and an alkaline compound included in the aqueous solution of claim 1 and claim 30 or added to the aqueous solution of claim 1 and claim 30?

Claim 14: Does applicant intend to recite “dissolving” rather than “dissolution”?

Claim 17: There is no antecedent basis in claim 1 for the recitation of a “reaction mixture” in claim 17.

Claim 20: It is suggested that “further comprising irradiating the reaction mixture by” should read “wherein irradiation is by electromagnetic radiation...”. There is no antecedent basis in claim 1 for the recitation “reaction mixture”.

Claim 25: It is not clear at which step in the method the reducing agent is added.

Claim 32: there is no antecedent basis in claim 22 for the recitation “reaction mixture” in claim 32. It is not clear from the “further comprising” language whether claim intends to refer to the “gel-forming water insoluble polymer” in claim 22 or to recite an additional other kind of polymer added to the “reaction mixture”.

Note that it is not clear what components are in the “reaction mixture” through out the claims.

Allowable Subject Matter

Claims 1 and 22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 2, 3, 5-21, 23 and 25-32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The closest art known to the examiner is the disclosure of Burgert et al (5,629,377) and the disclosure of Song (7,205,369, filed 08-12-2003). No motivation to combine the teachings of the references is apparent.

The disclosure of Burgert et al is discussed in the rejections set forth in the Office Action mailed 10-08-2008. Applicant's arguments for reconsideration in the Response filed 01-08-2009

are persuasive with respect to the disclosure of Burgert et al and the differences from the acrylic polymer set forth in instant claim 22.

The disclosure of Song has been discussed in the Action mailed 10-08-2008. The disclosed method differs from the instantly claimed method in that the starting material is a water soluble cationic polymer instead of a gel-forming water-insoluble polymer. There is no suggestion that the disclosed method would be useful or effective wherein the starting material is a water-insoluble polymer that forms macro-aggregates in aqueous solution, as set forth in instant claim 1.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Susan W. Berman/ whose telephone number is 571 272 1067. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571 272 1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SB
4/12/2009

/Susan W Berman/
Primary Examiner
Art Unit 1796